

Attorney Docket No. 663/35631
PATENT

2161

July 30, 2002
Jordan #8/August

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Adcock et al.

Serial No.: 09/254,148 Art Unit: 2761

Filed: June 11, 1999 Examiner: Akers

For: AUTOMATIC ELECTRONIC FUNDS TRANSFER SYSTEM AND METHOD

RESPONSE

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Honorable Assistant Commissioner for
Patents
Washington, D.C. 20231

Sir:

In response to the official Office Action dated April 17, 2002, Applicant makes the following remarks:

Claims 3-7, 9, 10, 14-28, 31-35 and 38-56 are rejected under 35 U.S.C. § 112 as being multiple dependent. Enclosed is a copy of a Preliminary Amendment filed February 26, 1999, with the original Request to enter the national phase. This Amendment resolved all of the multiple dependency issues. It appears that this Preliminary Amendment was not entered. This should resolve the 35 U.S.C. § 112 rejection.

Claims 1-56 stand rejected under 35 U.S.C. § 103 as being unpatentable over Rose et al. in view of Gifford. This rejection is respectfully traversed.

Claim 1 is directed to a system for automatically conducting a business transaction between a user and a trader. It includes a trader terminal having billing information representative of the trader and a user terminal or user card associated with a user terminal. A local communication link is provided between the user terminal or user card and the trader terminal. An order of goods and/or services of the trader is initiated by transmitting data over the link, using a message protocol, from said user terminal to be received by the trader terminal. The user terminal or user card receives and processes user information

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terminal. The user terminal or user card receives and processes user information representative of the user. The user terminal or user card receives and processes billing information via the link in response to the order. A communication network enables the user terminal to communicate with a service provider. The user terminal transmits the billing information and the user information to the service provider over the communication network. The service provider automatically transmits the funds of the user to the trader under authorization of the user to effect a financial transaction between the user and the trader.

It should be noted that the method of Claim 36 has similar limitations.

Contrary to the rejection, Rose et al. by itself or in combination with Gifford does not teach the present invention. The distinctions are explained hereafter. To begin with, the user-buyer 20 communicates with the user-seller 28 by the internet 12. The user-buyer 20 and the user-seller 28 both communicate with payment system 10 via the internet 12. Thus, as a first distinction, the user terminal or user card associated with the user terminal does not communicate by a local communication link, which is distinctive from the communication network that enables the user terminal to communicate with a service provider. In Rose et al., there is only one method of communication, and that is through the internet 12. Thus, there is no specific and distinguishable local communication link and communication network. The steps of the communication are illustrated specifically in Figures 5 and 7-9.

As another distinction, the user-buyer 20 in Rose et al. does not transmit the billing information and user information to the service provider over the communication network. The billing information and the user information are transmitted by the user-seller 28 and not by the user-buyer 20 in Rose et al. Because of this in Rose et al., there is a separate inquiry, as illustrated in Figure 7, from the payment system 10 on whether payment should be authorized since the transaction was initiated by the user-seller 28 with the payment system 10. Thus, not only does Rose et al. not teach the limitations of Claim 1, but it teaches a way from Claim 1 in that the user-seller 28 is in control of and initiates the transaction with the payment system 10 and with verification required by the user-buyer 20.

Based on the above arguments, Claim 1 is considered allowable over the art of record. Also, the method of Claim 36 provides a method including the local communication network

the transactions. Gifford does not correct the failings of Rose et al. nor teach specific modification.

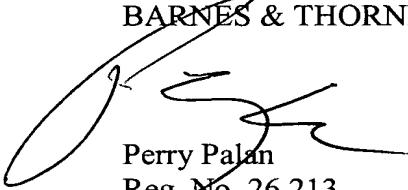
The dependent claims are allowable for their own distinctive limitations, as well as those argued with respect to Claims 1 and 36.

An earnest attempt has been made to respond to the Examiner's rejections to place the application in condition for allowance. Upon review of the arguments, it will be evident that Claims 1-56 are allowable over the art of record. Thus, passage of this case to issue is respectfully solicited.

It is respectfully requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time sufficient to effect a timely response and shortages in other fees be charged, or any overpayment in fees be credited, to the Account of Barnes & Thornburg, Deposit Account No. 02-1010 (663/35631).

Respectfully submitted,

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Enclosure